

REMARKS

The present Amendment is in response to the non-final Office Action mailed September 8, 2005, in the above-identified application. Enclosed herewith is a Petition requesting a three-month extension of time for resetting the deadline for responding to the Office Action from December 8, 2005, to and including March 8, 2006.

On January 23, 2006, the Examiner conducted an interview with the undersigned to discuss the outstanding Office Action and the references cited therein. Applicants have reviewed the Interview Summary mailed January 26, 2006, and agree with the contents of the Interview Summary.

Claim 1 has been amended to add the limitation that "the toe region of said sole extends upwardly along opposite sides of said dance shoe." Support for this limitation is found in drawings FIGS. 7-9 of the specification.

In the present Amendment, Applicants have added new claims 16-30. New claims 16-30 are supported by the originally filed specification and drawings and add no matter. New claim 16 is directed to a dance shoe having a shoe upper with "a plurality of eyelets" and "a shoe lace passing through said plurality of eyelets." The remaining limitations found in the claim were part of originally filed claim 1. Support for new claim 16 is found in the specification at, *inter alia*, drawing FIG. 9, which clearly shows a dance shoe having eyelets and a shoe lace passing through the eyelets.

Support for new claim 19 is found in the specification at, *inter alia*, drawing FIG. 9 which shows the dance shoe having a tongue and the laces overlying the tongue.

New claim 25 is directed to the sole of the shoe and recites that the concave arch comprises at least one-third of the length of the sole. Support for this recitation is found in paragraph 39 of the originally filed specification. Using the

range of lengths for the heel, arch and toe of the shoe last, one skilled in the art can calculate that the arch of the shoe is at least 40% of the length thereof. Based upon the measurements provided in paragraph 39, support for the recitation found in new claim 25 is clearly present. New claim 26 is similar in scope to the new recitation added to claim 1. Support for new claim 26 is found in the specification at, *inter alia*, drawing FIGS. 7-9.

Support for new claims 27-29 is found in the originally filed specification at, *inter alia*, FIGS. 7-9.

In the Office Action, the Examiner rejected claims 4-7 and 9-15 under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicants have canceled claims 4-7 and 10-15. Applicants have amended claim 9 to use generic terminology rather than the terms "GORE[®]" and "LYCRA[®]."

In the Office Action, the Examiner rejected claims 1-4 and 6-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,953,659 to Savino. Referring to FIGS. 1-4 thereof, Savino discloses a ballet slipper including a canvas vamp 1 and a leather outsole 4 stitched to an underside of the vamp. In contrast, the invention disclosed in the present application is directed to a more conventional looking shoe as opposed to Savino's ballet slipper. Applicants respectfully assert that claim 1 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe including a shoe upper and a sole attached to the shoe upper, "wherein the toe region of said sole extends upwardly along opposite sides of said dance shoe." Claims 2-3 and 8-9 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

New independent claim 16 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe including a shoe upper having "a plurality of eyelets

extending between said toe section of said shoe upper and said foot opening of said shoe upper; [and] a shoe lace passing through said plurality of eyelets for tightening said shoe upper about a foot." Claim 17 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe "wherein said toe region of said sole extends upwardly along opposite sides of said dance shoe." Claim 18 is unanticipated because Savino neither discloses nor suggests a dance shoe "wherein said toe region of said sole extends upwardly along opposite sides of said shoe upper of said dance shoe." Claim 19 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe "further comprising a tongue extending between said toe section of said shoe upper and said foot opening of said shoe upper." Claim 20 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe "wherein said shoe lace overlies said tongue." Claims 21-24 are unanticipated, *inter alia*, by virtue of their dependence from claim 16, which is unanticipated for the reasons set forth above.

New independent claim 25 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe including a shoe upper and a sole attached to the shoe upper, the sole including "a concave arch extending between said heel region and said toe region, wherein said sole has a length and said concave arch comprises at least 1/3 of the length of said sole." Claim 26 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe "wherein said toe region of said sole extends upwardly along opposite sides of said dance shoe." Claim 27 is unanticipated because Savino neither discloses nor suggests a dance shoe including a shoe upper "comprising a plurality of eyelets extending between said toe section of said shoe upper and said foot opening of said shoe upper; said dance shoe

further comprising a shoe lace passing through said plurality of eyelets for tightening said shoe upper about a foot." Claim 28 is unanticipated by Savino because the reference neither discloses nor suggests a dance shoe "comprising a tongue extending between said toe section of said shoe upper and said foot opening of said shoe upper." Claim 29 is unanticipated by Savino because the cited reference neither discloses nor suggests a dance shoe "wherein said shoe lace overlies said tongue." Claim 30 is unanticipated, *inter alia*, by virtue of its dependence from claim 25, which is unanticipated for the reasons set forth above.

The Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,035,069 to Minden. Referring to FIGS. 4-6 thereof, Minden discloses a ballet slipper having an outer covering 28 and an outer sole 36. In contrast, the present application discloses a dance shoe that looks more like a conventional shoe than Minden's dance slipper. In response, Applicants respectfully assert that the pending claims are unanticipated by Minden for the reasons set forth above.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

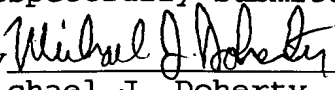
If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Application No.: 10/748,987

Docket No.: BALMAK 3.0-011

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Respectfully submitted,

By  _____

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